

In the Supreme Court of the State of Alaska

Shay Hurd,

Appellant,

v.

Larry E Henley,

Appellee.

Supreme Court No. **S-17104**

Order

Extend Time to File Brief

Date of Order: **10/17/2019**

Trial Court Case No. **3KN-16-00584CI**

Having considered appellee Larry Henley's motion for an additional 60-day extension of time to file his appellee brief, and appellant Shay Hurd's opposition, it is noted that (1) the original due date for Henley's appellee brief was September 9, 2019, approximately 30 days after Hurd's opening brief was filed; (2) Henley did not timely file a brief or a notice of a routine 30-day extension under Appellate Rule 503.5(b)(1); (3) on September 24 the clerk of court issued an order that if Henley did not file a motion for leave to file a late brief, along with a lodged brief, by October 7, 2019, this case would be submitted to the court for decision on Hurd's brief alone; and (4) on October 7, 2019, Henley instead filed a motion for an additional 60-day extension of time, which would be through November 8, 2019, to file his brief, indicating that his work schedule and trip to California, totaling around 40 days, made it difficult for him to file an appropriate brief. Based on the foregoing,

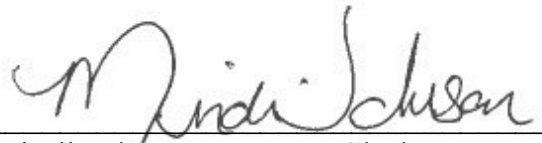
IT IS ORDERED: that the court will accept, and **GRANT**, Henley's motion for the 60-day extension despite its non-conformance with Appellate Rule 503.5(c), which sets the standard for extensions beyond routine extensions. This is done due solely to Henley's self-representation in this matter, but Henley is expressly warned that he must acquaint himself with the Appellate Rules and that no further leniency will be given to a motion for an extension of time. Accordingly, Henley's appellee brief now

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is due on **November 8, 2019**; failure to comply with this due date may lead directly to submission of this case to the court on Hurd's brief and the record, alone.

Entered by direction of an individual justice.

Clerk of the Appellate Courts



Mindi Johnson, Deputy Clerk

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